IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2511 OF 2002

IN

SUIT NO. 3044 OF 2002

Mr. M.J. Dabholkar & Anr. ... Plaintiffs.

vs.

M/s. Bildarch & Ors. .. Defendants.

Mr. Vasant Kotwal a/w A.Z. Mokhtiar, A.T.Q. Motiwala i/by A.R. Vaidya & Co. for plaintiffs.

Mr. Karthik Somasunderam i/by Paras Kuhad & Asso. for defendant nos. 3, 4, 10 & 11.

CORAM : S.U.KAMDAR, J.

DATE : 26th August 2005.

P.C.

. The learned counsel for the plaintiffs states that he has filed a dispute in the Co-operative Court being Dispute No. CC/101/282/03 which is pending before the Co-operative Court in respect of the subject matter of the present suit. He has also taken out an interim application therein. In view of the aforesaid, the learned counsel for the defendant nos. 3, 4, 10 and 11

contends that this Court should not entertain the present suit but exclusive jurisdiction is vested in Co-operative Court under section 91 of the Maharashtra Co-operative Societies Act, 1960. In the light of the aforesaid, the learned advocate seeks leave to withdraw the suit and the present motion with liberty to approach the Co-operative Court and to press for interim application which is pending. In view of the aforesaid, the suit as well as the motion stand dismissed as withdrawn. However, the Third Co-operative Court, Bombay is directed to hear and decide the application on or before 30.11.2005. The original documents which are produced by the MTNL to be retained by the Prothonotary and Senior Master, High Court, Bombay till further orders.